

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Donnell Shamond Kearney,
Petitioner,

v.

Case No.21-cv-1789 PJS/ECW

U.S. Marine Presidents,
Respondent.

ORDER

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Elizabeth Cowan Wright dated August 17, 2021, all the files and records, and no objections having been filed to said Report and Recommendation, **IT IS HEREBY ORDERED** that:

1. To the extent Kearney seeks habeas relief, this matter be **DISMISSED WITHOUT PREJUDICE** for failure to comply with the Rules Governing Section 2255 Proceedings and improper venue.
2. To the extent Kearney seeks to bring a civil action, this matter be **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(A).
3. Plaintiff Kearney's application to proceed *in forma pauperis* (Dkt. 2) be **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: 9/17/21

s/Patrick J. Schiltz
PATRICK J. SCHILTZ
United States District Judge